

April 20, 1950

Mr. Duane A. Frandsen  
Attorney-at-Law  
Price, Utah

Dear Sir:      RE: COTTONWOOD CREEK - EMERY COUNTY DISTRIBUTION

This acknowledges receipt of your letter dated April 15, in which you advise that the Board of Directors of the Cottonwood Creek Consolidated Irrigation Company of Orangerville, Utah, have met and made recommendations to the State Engineer by proper resolutions for the appointment of a water commissioner in the person of Francis Rasmussen.

It is the understanding of this office that the companies mentioned represent practically all of the water users on Cottonwood Creek. However, there are a few who are not in the consolidation. Were the consolidation to include all of the rights, it would seem that a watermaster would be all that is required. However, if there are other parties other than those included in the incorporation, they should be consulted relative to the appointment of the water commissioner, in order that a full expression of the water users might be had in conformity with Section 100-5-1, Utah Code Annotated, 1943. It is not shown by your letter that these other parties were consulted and that they took part in the recommendation.

Kindly advise what was done relative to participation in the recommendation by the parties not in the consolidation. Also indicate the experience of Mr. Rasmussen and his qualifications to act as commissioner. It is the policy of this office to appoint no person who is not qualified to make the proper water measurements, the necessary division or distribution and submit an acceptable report to the State Engineer of the year's activities. It is also necessary to state how the commissioner is to be paid by the water users. Heretofore no commissioner on Cottonwood Creek has been paid through the State Engineer's office in collecting the assessments. We see no reason for this being done at this time, i. e. the water users should make their own arrangements for paying the commissioner.

Kindly let us have the results of the consultation with the water users, particularly the duties he shall perform, the compensation he shall receive and how he shall be paid, and state whether or not all water users were notified of the meeting and whether or not a majority of the water users makes the recommendation. Complete minutes of the meeting should be submitted and signed by the secretary of the meeting.

Yours truly,

Harold A. Linke  
STATE ENGINEER

FWC/vm

DUANE A. FRANDSEN  
ATTORNEY AT LAW  
PRICE, UTAH

April 15, 1950

Utah State Engineer's Office  
State Capitol  
Salt Lake City, Utah

Dear Sir:

Re: Cottonwood Creek Consolidated Irrigation Co.

Some of the members of the Board of Directors of the Cottonwood Creek Consolidated Irrigation Company of Orangeville, Utah were in your office last week and talked to Mr. Monson further about the appointment of a river commissioner for the Cottonwood Creek drainage in Emery County, Utah.

On April 11 the Board met in regular session and by unanimous action recommend that your office appoint Francis Rasmussen of Castle Dale, Utah as a commissioner for the Cottonwood Creek drainage in Emery and Sanpete counties. This Cottonwood Creek is the one that runs past the cities of Orangeville and Castle Dale.

Mr. Rasmussen will accept such an appointment at a salary of \$250 per year.

If requested, we can send you a formal resolution recommending the appointment of Mr. Rasmussen.

Would you please act upon this recommendation immediately and advise me as attorney for the irrigation company of your decision or any suggestion that you may have regarding this matter. Mr. Rasmussen has been with me twice in to your office on protests. Mr. Monson, Mr. Hughes and Mr. Cottrell have all met him.

The irrigation company would like an immediate decision because the irrigation season is approaching rapidly. Thank you.

Yours very truly,



DUANE A. FRANDSEN

DAF:en